

HOUSE No. 1175

By Mr. Larkin of Pittsfield, petition of Peter J. Larkin and others
for legislation to provide preschool aged children access to quality
early childhood education programs. Education.

The Commonwealth of Massachusetts

PETITION OF:

Peter J. Larkin	John P. Fresolo
Patricia A. Haddad	Michael F. Rush
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J. James Marzilli, Jr.	Joseph F. Wagner
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Martin J. Walsh	William C. Galvin
Cory Atkins	Stephen Kulik
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Carl M. Sciortino, Jr.	Michael J. Rodrigues
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John W. Scibak	Peter V. Kocot
Rachel Kaprielian	Robert K. Coughlin
Patrick M. Natale	Joyce A. Spiliotis
James B. Leary	Anne M. Paulsen
David Paul Linsky	Emile J. Goguen
Patricia D. Jehlen	Frank M. Hynes
Harriett L. Stanley	Paul Kujawski
Frank I. Smizik	Mary S. Rogeness
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Elizabeth A. Malia	Eric Turkington
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Jeffrey Sánchez	Charles A. Murphy
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Joseph R. Driscoll	Mark J. Carron
David M. Torisi	Elizabeth A. Poirier
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Kevin G. Honan	Mark V. Falzone
Edward G. Connolly	William Lantigua
Robert A. DeLeo	Vincent A. Pedone
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Deborah D. Blumer	Robert M. Koczera
Shirley Owens-Hicks	Donald F. Humason, Jr.
Brian Knuuttila	Thomas J. O'Brien
Matthew C. Patrick	Robert J. Nyman
Thomas J. O'Brien	Byron Rushing
Douglas W. Petersen	Denis E. Guyer
Thomas M. Stanley	James R. Miceli
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Cheryl A. Rivera	Steven A. Baddour
Paul K. Frost	Brian P. Wallace
Anthony J. Verga	Garrett J. Bradley

In the Year Two Thousand and Five.

AN ACT ESTABLISHING EARLY EDUCATION FOR ALL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. It is hereby found and declared that research
2 demonstrates that the first 5 years of life are a time of enormous
3 growth and development that provide a window of opportunity to
4 build upon children's natural inclination to learn. It is further
5 found that a high-quality early childhood education nurtures a
6 child's cognitive, social-emotional and physical development and
7 helps build a solid foundation for school and life success. It is
8 further found that investments in young children and their early

9 education reap benefits that are long-lasting and widespread for
10 children, families and communities. It is further found that the
11 Education Reform Act of 1993 set forth goals to provide all pre-
12 kindergarten children in the commonwealth the opportunity to
13 participate in developmentally appropriate early childhood educa-
14 tion programs, and such goals have not been fully realized,
15 leaving early childhood education as the unfinished element of
16 education reform. Therefore, it shall be the policy of this com-
17 monwealth to (a) provide every preschool-aged child the opportu-
18 nity to participate in a high-quality early childhood education
19 program; and (b) provide every kindergarten-aged child the oppor-
20 tunity to participate in a high-quality full school-day public
21 kindergarten classroom.

1 SECTION 2. As used in this act, the following words shall
2 have the following meanings:

3 “Board”, the Board of Early Education and Care, as created by
4 Chapter 205 of the Acts of 2004.

5 “Department”, the Department of Early Education and Care, as
6 created by Chapter 205 of the Acts of 2004.

7 “Commissioner”, the Commissioner of Early Education and
8 Care, as created by Chapter 205 of the Acts of 2004.

9 “Council”, the Council on Early Education and Care, as created
10 by Section 608 of Chapter 26 of the Acts of 2003.

11 “Advisory Committee”, the Advisory Committee Early Educa-
12 tion and Care, as created by Section 344 of Chapter 149 of the
13 Acts of 2004.

14 “EEA”, early education for all.

15 “Early childhood education program”, an organized early child-
16 hood development and education program designed to meet and
17 enhance each child’s ability to make age appropriate progress in
18 the development of language and cognitive capabilities and social-
19 emotional, regulatory and moral capacities.

20 “Full school-day kindergarten”, kindergarten education pro-
21 vided for a minimum of 900 hours, 180 days/school year.

22 “Full-time”, services provided from 30 to 50 hours per week.

23 “Full-year”, services provided during a full calendar year or up
24 to 262 service days per year.

25 “Massachusetts curriculum frameworks”, curriculum frame-
26 works established under section 1E of chapter 69 of the General
27 Laws.

28 “Mixed system”, licensed or license-exempt and legally oper-
29 ating providers of early education and care including, but not lim-
30 ited to public, private, non-profit and for-profit preschools, child
31 care centers, nursery schools, preschools operating within public
32 and private schools, Head Start programs and independent and
33 system affiliated family child care homes.

34 “Preschool-aged children”, children aged 2 years and 9 months
35 up to the age the child becomes eligible for kindergarten entry in
36 the city or town where the child resides.

37 “Universal access”, the opportunity for every preschool-aged
38 child in the state to participate in early childhood education pro-
39 gram.

40 “Voluntary”, optional; no child is required to attend and no pro-
41 gram is required to participate.

1 SECTION 3. Chapter 15D of the Massachusetts General Laws,
2 as created by Chapter 205 of the Acts of 2004, is hereby amended
3 by adding, after Section 5, the following three sections:—

4 Section 6. (a) There is hereby established Early Education for
5 All, hereinafter referred to as EEA, which shall provide funding
6 for every preschool-aged child in the commonwealth to have the
7 opportunity to receive a high-quality early childhood education.
8 EEA shall be fully funded and implemented no later than the
9 beginning of the 2012 school year, subject to appropriation,
10 through the mixed system of public and private early education
11 and care programs.

12 (b) Programs eligible to participate in EEA shall be licensed or
13 licensed exempt and legally operating programs including, but not
14 be limited to public, private, non-profit and for-profit preschools,
15 child care centers, nursery schools, preschools operating within
16 public and private schools, Head Start programs and independent
17 and system affiliated family child care homes, provided that they
18 meet the EEA standard as defined in section 7; and provided fur-
19 ther, that programs exempt from licensing that wish to participate
20 in EEA shall demonstrate that they meet the state’s child care
21 licensing requirements; and provided further, that not less than

22 50% of EEA programming, statewide, shall be delivered through
23 community-based, non-public school programs; and provided fur-
24 ther, that this requirement shall apply on a statewide basis and not
25 to any individual community. Eligible programs shall also
26 demonstrate that they are willing to serve and integrate children of
27 diverse abilities and special needs, diverse cultural and linguistic
28 backgrounds and diverse economic circumstances.

29 Section 7. The Board of Early Education and Care shall be
30 responsible for developing and implementing EEA in accordance
31 with the provision of this chapter and in accordance with Chapter
32 205 of the Acts of 2004, and shall have the following responsibili-
33 ties: (i) establish the EEA standard, which shall be the Early
34 Childhood Program Standards for Center-Based Programs for
35 Three- and Four-Year-Olds and the Guidelines for Preschool Cur-
36 riculum Experiences based on the Massachusetts Curriculum
37 Frameworks promulgated by the Massachusetts Department of
38 Education; provided that the Board shall adjust said standard to
39 apply to family child care; (ii) align the workforce development
40 system with the content of the EEA standard ensuring that the
41 core competencies, course offerings and other professional devel-
42 opment opportunities are linked to supporting directors/
43 teachers/providers to meet and carry out the EEA standard;
44 (iii) develop compensation guidelines for each director/
45 teacher/provider education level within the EEA standard that
46 shall be comparable to those in public schools; (iv) annually
47 assess that the resources and professional development opportuni-
48 ties are in place for both programs and directors/teachers/
49 providers to achieve the goals described in the EEA standard; pro-
50 vided that should said goals be deemed to be unattainable by the
51 Board, the goals shall be adjusted accordingly; (v) provide for and
52 manage a comprehensive evaluation of the implementation and
53 impact of EEA on children's readiness for school including
54 aligning the content and implementation of the kindergarten readi-
55 ness assessment system with the EEA standard; (vi) maximize
56 family choice by ensuring a statewide mix of public and private
57 early education and care program options; (vii) administer funding
58 directly to early education and care programs to provide EEA as
59 described in this chapter; (viii) develop guidelines and/or regula-
60 tions for the operation of local early education and care councils

61 and their role in planning for and delivering universally acces-
62 sible, high-quality early childhood education within a community
63 including but not limited to assessing and identifying the unique
64 needs of children, families and providers within a community,
65 ensuring local points of entry/access, encouraging collaboration
66 among providers of early education and care services, and pro-
67 viding access to comprehensive services; provided that the Board
68 shall consider the role and function of existing local councils in
69 the development of said guidelines and/or regulations; (ix) annu-
70 ally monitor programs receiving EEA funding for contract and
71 fiscal accountability, for compliance with the EEA standard, com-
72 pliance with any school readiness assessment system requirements
73 and compliance with applicable state laws and regulations;
74 (x) establish procedures to ensure that non-compliance with
75 applicable standards and laws shall result in sanctions, including
76 termination of funding; (xi) design a streamlined monitoring
77 process that coordinates oversight of the EEA standard with
78 existing licensing and other state-enforced standards, and where
79 possible, with federal standards and monitoring; (xii) develop a
80 phase-in plan for EEA to be fully funded and implemented no
81 later than the 2012 school year, which gives priority to children in
82 “low wealth” or “high need” communities defined by the per-
83 centage of children in the school district who qualify for free and
84 reduced lunch; (xiii) develop a funding methodology for programs
85 receiving EEA funding, which is accountable and effective in
86 allowing programs to meet and maintain the EEA standard
87 including meeting compensation guidelines for directors and
88 teachers/providers, ensures that EEA funding be used in combina-
89 tion with local, state or federal subsidies and/or parent fees to
90 offer full and part-time program options depending on a child or
91 family’s needs, and allows programs offering full-time program-
92 ming to meet the EEA standard throughout their full hours of
93 operation; (xiv) inform the public about EEA.

94 Section 8. (a) Funds appropriated to implement the provisions
95 of this chapter shall be used to supplement, but not supplant, any
96 existing federal, state or local public funds expended to provide
97 services for early education and care and school-age programs and
98 activities. (b) EEA, when fully implemented, shall be a univer-
99 sally accessible, voluntary, pre-kindergarten program and shall not

100 be subject to any state or national funding requirements inconsis-
101 tent with this goal. (c) No provider that receives funds under this
102 chapter shall use such funds to assist, promote or discourage
103 union organizing.

1 SECTION 4. Section 5 of Chapter 15D of the Massachusetts
2 General Laws, as created by Chapter 205 of the Acts of 2004, is
3 hereby amended by adding the following after “(14) ways to rec-
4 ognize and honor advancements in educational attainment among
5 early education and care professionals.”:

6 (15) professional development opportunities that are provided
7 in languages other than English, and incorporation of such pro-
8 grams/coursework/ opportunities into any broader, articulated
9 system that is developed; and

10 (16) alignment of the core competencies, course offerings and
11 other professional development opportunities, where appropriate,
12 with the EEA standard as described in Section 7 of this chapter.

1 SECTION 5. (a) There is hereby established a special commis-
2 sion on full-day kindergarten, hereinafter known as the Commis-
3 sion, which shall be hereby charged to study the expansion of
4 high-quality, full school-day kindergarten throughout the com-
5 monwealth.

6 (b) The Commission shall consist of up to no more than 20
7 members: two of whom shall be the House and Senate Chairmen
8 of the Committee on Education, Arts and Humanities, who shall
9 serve as co-chairs; one of whom shall be appointed by the speaker
10 of the house; one of whom shall be appointed by the senate presi-
11 dent; one of whom shall be the commissioner of the department of
12 early education and care, or his designee; one of whom shall be
13 the commissioner of the department of education, or his designee;
14 one of whom shall appointed by the Massachusetts Elementary
15 School Principals Association; one of whom shall be appointed by
16 the Massachusetts Association of School Superintendents; one of
17 whom shall be appointed by the Massachusetts Federation of
18 Teachers; one of whom shall be appointed by the Massachusetts
19 Teachers Association; one of whom shall be appointed by the
20 Massachusetts Parent Teacher Association; one of whom shall be
21 appointed by Massachusetts Association of School Committees;

22 one of whom shall be appointed by the Rennie Center for Educa-
23 tion Research and Policy at Mass, Inc; one of whom shall be
24 appointed by the Massachusetts Business Alliance for Education;
25 one of whom shall be appointed by the Massachusetts Association
26 of Day Care Agencies; one of whom shall be appointed by the
27 Massachusetts Association for the Education of Young Children;
28 one of whom shall be appointed by the Massachusetts Indepen-
29 dent Child Care Operators, one of whom shall be appointed by the
30 Massachusetts Association of Community Partnerships for Chil-
31 dren; and two additional members appointed by the Commission
32 co-chairs, one of whom shall be a kindergarten teacher and one of
33 whom shall represent non-public schools. All appointments shall
34 reflect the ethnic and racial diversity of the commonwealth's
35 young children and have a demonstrated knowledge of early edu-
36 cation and care and elementary education. The Commission may
37 assign subcommittees and task forces as necessary to meet the
38 provisions of paragraph (c). Staff shall be assigned from Com-
39 mission member organizations to carry out duties as assigned by
40 the Commission, as necessary.

41 (c) The Commission shall, within 18 months of the adoption of
42 this chapter, develop a plan for the expansion of high-quality, full
43 school-day kindergarten to all children who would like to partici-
44 pate. The plan shall include, but not be limited to:

45 A review of existing research about best practices in kinder-
46 garten provision and successful transitions to school, including,
47 but not limited to, establishing contact with children and families
48 before the beginning of the kindergarten year, encouraging on-
49 going family involvement and collaborating with local early edu-
50 cation and care programs and local councils;

51 Analyses and data about the current status of kindergarten, full-
52 day kindergarten and transitions to school in Massachusetts,
53 including current efforts by the Department of Education and indi-
54 vidual school districts;

55 A review of various state-level and local strategies, and the
56 development of recommendations for further enhancing existing
57 full-school day kindergarten classrooms and transitioning existing
58 half-day kindergarten classrooms into full school-day kindergarten
59 classrooms.

60 (d) The commission's recommendations, together with any pro-
61 posed legislation, shall be filed no later than 18 months after the
62 effective date of this section with the clerks of the senate and
63 house of representatives, who shall refer such recommendations to
64 the appropriate committee of the General Court.